

Message Text

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TO AMEMBASSY NAIROBI IMMEDIATE

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TAGS: SENV, UNEP

SUBJECT: UNEP: INVITATION TO EXECUTIVE DIRECTOR TO TESTIFY BEFORE UDALL SUBCOMMITTEE ON ENERGY AND ENVIRONMENT.

REF: NAIROBI 5901

1. DEPT. BELIEVES THAT INVITATIONS FROM NATIONAL LEGISLATIVE BODIES TO INTERNATIONAL CIVIL SERVANTS FOR APPEARANCES TO TESTIFY BEFORE THOSE BODIES OR THEIR COMMITTEES RAISE DELICATE AND COMPLEX ISSUES FOR THOUGHTFUL RESOLUTION BY THE POLICY-MAKING ORGANS OF THE INTERNATIONAL ORGANIZATION CONCERNED. THESE QUESTIONS WOULD INVOLVE, INTER ALIA, THE PROPRIETY OF INTERNATIONAL OFFICIALS BECOMING INVOLVED IN LEGISLATIVE PROCESSES OF MEMBER STATES, THE POSSIBLE DEROGATION OF RESPONSIBILITY OF EXECUTIVE BRANCH OF GOVERNMENTS ON MATTERS OF POLICY CONCERNING INTERNATIONAL RELATIONS,
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AS WELL AS THE DETERMINATION OF THE CAPACITY IN WHICH

THE INTERNATIONAL OFFICIAL WAS ACTING. WHETHER IN AN OFFICIAL OR UNOFFICIAL CAPACITY, IT WOULD APPEAR THAT IN SITUATIONS LIKE THE PRESENT, IN WHICH TOPICS TO BE DISCUSSED INCLUDE OPINIONS OF OFFICIAL OF ONE INTERNATIONAL ORGAN CONCERNING STATUTE OF ANOTHER, APPEARANCE TO TESTIFY WOULD REQUIRE CLEARANCE BY TOP LEVEL OFFICIALS OF INTERNATIONAL SYSTEM. IN ADDITION, TO ENSURE THAT HIS POLICY RECOMMENDATIONS WERE NOT BEYOND HIS AUTHORITY, IT WOULD APPEAR UNWISE

FOR SUCH OFFICIAL TO TESTIFY PRIOR TO A DETERMINATION OF POLICY ISSUE BY OWN ORGANIZATION'S GOVERNING COUNCIL. IN VIEW OF OBVIOUS COMPLEXITY OF QUESTIONS RAISED, DEPT. WOULD NOT REPEAT NOT CONSIDER IT LIKELY THAT INTERNATIONAL CIVIL SERVANTS WOULD BE ABLE TO ACCEPT MANY SUCH INVITATIONS.

2. DEPT. WOULD QUESTION PRACTICAL EFFICACY OF DRAWING DISTINCTION BETWEEN INVITATIONS TO AN INTERNATIONAL CIVIL SERVANT BASED ON WHETHER HE IS INVITED IN AN OFFICIAL OR IN AN UNOFFICIAL CAPACITY. WHILE RECOGNIZING INSTANCES MIGHT EXIST WHEREIN PERSONAL, EXPERT TESTIMONY MIGHT BE DISTINGUISHED FROM TESTIMONY GIVEN IN OFFICIAL CAPACITY, MOST INTERNATIONAL CIVIL SERVANTS WOULD NEVERTHELESS AS A MATTER OF PRUDENCE CHOOSE TO SEEK TOP LEVEL CLEARANCE BEFORE AGREEING TO TESTIFY.

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